

To Whom It May Concern:

I am writing in regard to the proposed FCC "Do Not Call" rule.

As a resident of the State of Indiana my family already enjoys the protection of Indiana's Telephone Privacy law. Prior to the implementation of the law my family would receive at least 5 calls per day. Most were hang-ups on my answering machine from callers shown as "UNAVAILABLE" on our caller ID box. Since 11/21/2001 when we opted-in for the protection of this law we have received 3 (three) unsolicited calls. Through vigorous enforcement all three calls have resulted in action including one settlement with the Indiana Attorney General's office and two pending cases.

In contrast the Telephone Consumer Protection Act of 1991 (TCPA) which bans unsolicited fax advertisements has had no effect on reducing the number of faxes my business receives. We are actually experiencing an increase in unsolicited faxes.

I have contacted the FCC regarding enforcement of the TCPA and was sent a letter that stated the FCC does not enforce individual cases and that my only course of action was to file a claim locally in a small claims court. This is not exactly the type of inspiring action that would lead me to believe the FCC is better suited to enforce this type of law than our State Attorney General.

Putting the burden of enforcement on the consumer is tantamount to giving the telemarketers free reign to harass us at will. Few consumers will have the time, technical ability or financial resources to pursue let alone bring action against the telemarketers with their national special interest groups and PACs.

Please do not reduce the protection the citizens of Indiana already enjoy by gutting the Indiana law with a less restrictive Federal law.